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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,129	01/31/2001	Gerald H. Williams	MBHB00-1225	5384

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EXAMINER

LEE, BENJAMIN C

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,129

Applicant(s)

WILLIAMS ET AL.

Examiner

Benjamin C. Lee

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 11-15 and 19-21 is/are allowed.
6) ☒ Claim(s) 1-9 and 16 is/are rejected.
7) ☒ Claim(s) 10,17 and 18 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claim 4** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 4 requires that “a flexible assembly having a first end attached to the female portion of the first bracket and a second end attached to the complementary male portion of the second bracket”, which is not supported by the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 5, 8 and 11** are rejected under 35 U.S.C. 102(b) as being anticipated by Konotchick (US pat. #5,499,013).

1) In considering claims 1 and 5, Konotchick discloses the claimed self-aligning sensor assembly (Fig. 1A) comprising: a first bracket (1) including a female portion (5 of Figs. 1A, 4B & 5B); a second bracket (comprising 8, 12, 13) including a male portion (4 of Figs. 1A, 4B &

5B) that is complementary to the first bracket female portion; a flexible assembly including a flexible link consisting of a spring (15 of Fig. 1A) attached to the first and second brackets; and a sensor (magnetic wire 6 of Fig. 1A) attached to the first bracket.

2) In considering claim 8, Konotchick met all of the claimed subject matter as in claim 1, including:

-- the claimed said male and female portions have at least one straight wall (straight edges of 4, 5, 6 shown in Figs. 1A, 4A, 4B, 5A & 5B).

3) In considering claim 11, Konotchick met all of the claimed subject matter as in the consideration of claim 5.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 2-3, 6-7 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Konotchick.

1) In considering claim 2, Konotchick met all of the claimed subject matter as in claim 1, except:

-- the claimed said first bracket is stationary and the sensor is attached to the second bracket.

While Konotchick discloses that the first bracket is stationary (Fig. 1A) and the sensor (6) is attached to the first bracket, it would have been obvious to one of ordinary skill in the art at the

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time of the claimed invention that the sensor can alternatively be attached to the second bracket at the location of element 4 by sensing the magnetic influence of magnetic wire 6 when in proximity without unexpected results, since the sensor setup is to detect relative movement of the two brackets.

2) In considering claim 3, Konotchick met all of the claimed subject matter as in claim 1, except:

-- the claimed said first bracket is a sensor bracket having the attached sensor and the second bracket is a stationary bracket.

However, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that since the sensor setup is to detect relative movement of the two brackets in a system such as taught by Konotchick, the female portion 5 and sensor 6 can alternatively be attached to bracket 8 and male portion 4 be attached to bracket 1 without unexpected results, so that bracket 1 is now nominally called second bracket, and bracket 8 is now called the first bracket.

3) In considering claim 6, Konotchick met all of the claimed subject matter as in claim 5, except:

-- the claimed said spring has first and second hooked ends.

While Konotchick did not show how the first and second ends of the spring are attached to the first and second brackets (Fig. 1A), it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that such an attachment can be implemented using conventional hooked ends.

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4) In considering claim 7, Konotchick met all of the claimed subject matter as in claim 5, except:

-- the claimed said flexible link is a bungee cord.

While Konotchick uses a spring, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that any flexible link, including a bungee cord that provides the same function of a flexible link and a tensioner to pull the two brackets together so that magnet enters sensor housing 5 when the door is opened can be used as functional equivalents, whereby the choice of the bungee cord can be specifically chosen based on factors such as availability of parts at the time of implementation.

5) In considering claim 9, Konotchick met all of the claimed subject matter as in claim 8, except:

-- the claimed said male and female portions are both shaped like a truncated pyramid.

While Konotchick teaches using cylindrical shaped male and female portions (Figs. 4A, 4B, 5A and 5B), it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that truncated pyramid shapes would have worked just as well for detecting changes in magnetic flux as the male portion moves in or out of the female portion.

Allowable Subject Matter

3. **Claim 11-15 and 19-21** allowed.

4. **Claims 10 and 17-18** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Rotharmel et al., US pat. #5,934,019

--A similar garage door opener sensor mounting bracket with flexible feature (col. 8, lines 13-19).

2) Hickey, US pat. #6,002,333

--A similar garage door contact alarm having spring connection between base and sensor housing (Fig. 1 and col. 3, lines 53-60 and col. 4, lines 16-22).

3) Craig, US pat. #6,176,039

--A similar garage door sensor mounting using spring.

4) Perlman et al., US pat. #4,882,563

--A similar sensor with spring and bracket mounting.

5) Santagato, US pat. #5,166,662

--A similar sensor with spring, cord and bracket mounting.

6) Schuman, Sr. et al., US pat. #5,341,123

--A similar door alarm.

7) Conklin, US pat. #4,059,832

--A similar intrusion alarm.

8) Carlson et al., US pat. #4,593,491

--A similar garage door sensor.

9) Kyprios, US pat. #5,518,350

--A similar flexible license plate mounting device.

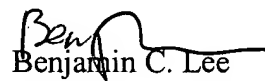
10) Earl, Jr. US pat. #5,577,800

--A well known spring-loaded connection between male and female mounting portions (e.g. Figs. 4A, 5F, 10).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (703) 306-4223. The examiner can normally be reached on Mon -Fri 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin C. Lee
Primary Examiner
Art Unit 2632

B.L.
6/24/04